

FOREST FIRE SUPPRESSION

A. PURPOSE

When State and local resources are incapable of extinguishing or confining grass or forest fires which are threatening destruction which would normally constitute a major disaster, the Governor can request the President to authorize Federal assistance under Section 420 of the Disaster Relief Act of 1974. If the request is approved by the Associate Director of FEMA, he/she may authorize assistance, including grants, equipment, supplies, and personnel to the State for the suppression of such fire or fires.

B. CONCEPT OF OPERATIONS

1. Federal assistance under Section 420 of the Act is provided in accordance with a continuing Federal-State Agreement for Fire Suppression (the Agreement) signed by the Governor and the Regional Director. The Agreement contains the necessary terms and conditions consistent with the provisions of applicable laws, Executive orders, and regulations, as the Associate Director may require and specifies the type and extent of Federal assistance. The Governor may designate authorized representatives to execute requests and certifications and otherwise act for the State during fire emergencies. Supplemental agreements shall be executed at least annually in advance of the fire season to update the continuing Agreement.
2. When the Governor determines that fire suppression assistance is warranted, his/her request for assistance shall specify in detail the facts supporting the request. In order that all actions in processing a State request are executed as rapidly as possible, the State may submit a request to the Regional Director by telephone, promptly followed by a confirming telegram or letter.
3. Following the Associate Director's decision on the State request, the Regional Director will notify the Governor and the Federal fire-fighting agency involved. The Regional director may request assistance from Federal agencies if requested by the State. For each fire or district fire situation, the State shall prepare a separate Fire Project Application and submit it to the Regional Director for approval.
4. Eligible State costs are reimbursed in accordance with the terms and provisions of the Agreement.
5. Eligible costs of the State consist of the following costs reasonably and directly related to fire suppression.
 - a. All compensation for employees directly engaged in authorized fire suppression activities.

- b. Travel and per diem costs for employees directly engaged in fire suppression activities.
- c. Expenses to provide field camps and meals when made available to the eligible employees in lieu of per diem costs.
- d. Cost for the use of publicly owned equipment used on eligible fire suppression work is based on the FEMA Schedule of Equipment Rates.
- e. Cost for the use of privately-owned equipment is based on the rental rate; provided such costs are comparable to the going rate for the same or similar equipment in the locality, as determined by the Regional Director.
- f. Cost to the State for the use of U.S. Government-owned equipment is based on reasonable costs as billed by the Federal agency and paid by the State.
- g. Cost of fire fighting tools, materials, and supplies expended or lost, to the extent not covered by reasonable insurance.
- h. Repair and reconditioning costs of tools and equipment used in eligible fire suppression activities (other than equipment covered by the FEMA Schedule of Equipment Rates).
- i. Replacement values of equipment lost in fire suppression, to the extent not covered by reasonable insurance.
- j. Personal comfort and safety items normally provided by the State under field conditions for fire fighting health and safety.
- k. Mobilization and demobilization costs directly relating to the Federal fire suppression assistance approved by the Associate Director.
- l. Eligible costs of local governmental fire fighting organizations reimbursed by the State, pursuant to an existing cooperative agreement, in suppressing an approved incident fire.
- m. State costs for suppressing fires on Federal land in cases where the State has a responsibility under a cooperative agreement to perform such action on a non-reimbursable basis.

6. Costs that are ineligible for reimbursement are:

- a. Any clerical or overhead costs other than field administration and supervision.

- b. Any costs for presuppression, salvaging timber, restoring facilities, seeding and planting operations.
 - c. Any costs not incurred during the incident period as determined by the Regional Director other than reasonable and directly related mobilization and demobilization cost.
 - d. State costs for suppressing a fire on Federal land where such costs are reimbursable to the State by another Federal agency under another statute.
- 7. Federal financial assistance is limited to eligible fire fighting and resource mobilization/demobilization costs incurred during the incident period as determined by the Regional Director.

C. TASK ASSIGNMENTS

- 1. After the incident period has terminated, the Principal Advisor, in conjunction with an inspector from the Division of Forestry, prepares a Damage Survey Report for each fire included in the incident period. The Principal Advisor submits completed Damage Survey Reports to the FEMA Regional Director for review and approval.
- 2. Base on FEMA-approved Damage Survey Reports, the Public Assistance Chief prepares a Project Application for Fire Suppression Assistance and secures the Governor's Authorized Representative's (GAR) approval.
- 3. After approving the Project Application, the GAR forwards it to the FEMA Regional Director.
- 4. The State, through the GAR, may request an advance of funds on FEMA-approved Project Applications. The applicant, Division of Forestry, is responsible for all aspects of project administration.
- 5. After all payments have been made and a State audit performed, the applicant requests final reimbursement from FEMA through the Public Assistance Chief.

D. AUTHORITIES AND REFERENCES

- 1. PL 93-288, Section 420, as amended, "Fire Suppression Grants"
- 2. Code of Federal Regulations, Title 44, Part 205 Subpart G
- 3. Handbook DAP-4, Disaster Assistance Programs, Fire

ANNEX DDD
APPENDIX 1
SAMPLE FORMAT FOR
FEDERAL-STATE AGREEMENT FOR FIRE SUPPRESSION ASSISTANCE

Honorable
Governor of

Dear Governor

1. This letter is the basic continuing Federal-State Agreement for Fire Suppression (hereinafter referred to as the Agreement) under Section 720, the Disaster Relief Act of 1974, Public Law 93-288, as amended, (hereinafter referred to as the Act), 42 USC 5121 et seq.; in accordance with 44 CFR 206.390 -395. Please note that these Disaster Assistance Regulations were previously designated as 24 CFR 2205.
2. The (either Forest Service, U.S. Department of Agriculture or Bureau of Land Management, Department of Interior) is designated as the principal advisor to the Regional Director, Federal Emergency Management Agency (FEMA) to assist in the administration of the terms of this agreement within your State.
3. The State officers authorized to execute certification and to otherwise act on behalf of the State, and individuals responsible for audit are listed in Exhibit A which is attached hereto and made a part hereof.
4. Federal assistance will be made available in accordance with Section 420 of the Act, Executive order 12148, Regulations attached hereto, applicable handbooks and the following:
 - a. At the beginning of each calendar year, the FEMA Regional Director, together with the Principal Advisor and the State Office referred to in paragraphs 2 and 3 above, will determine the State's average fiscal year fire cost and floor cost. This is done by:
 - (1) Listing the State fire related expenditures, detailed in the report required under the Clarke-McNary Act, for each of the previous seven fiscal years, for fire related costs dated prior to the immediately preceding fiscal year. Section 420 Federal grants for fire suppression during each of these fiscal years shall also be included in these respective annual reports.
 - (2) Delete the highest and lowest figures (two fiscal years' expenditures).
 - (3) Total the costs for the remaining five fiscal years and divide by 5 to

DDD-4

get the average fiscal year fire cost.

- (4) Multiply the average annual fire cost by .05 to determine the State's floor cost.

Both the average fiscal year fire cost and the floor cost determined for each calendar year will be considered part of this Agreement for all incident fires, determined eligible for Federal assistance by the Associate Director, Disaster Response and Recovery, FEMA (hereinafter referred to as the Associate Director).

- b. For each fire or incident determined to be eligible for Federal assistance, FEMA will reimburse the State for eligible costs (State and Federal) of such fire(s) under conditions and at as follows:

- (1) The first time the State's fire suppression costs for a fire determined eligible for Federal assistance exceed the floor cost, at 70 percent of those costs in excess of the floor costs, except, that:

- (a) If the State's cumulative fire-related costs for the calendar year have exceeded the average fiscal year fire cost prior to the determination by the Associate Director to authorize Federal assistance under Section 420 of the Act, the requirement for deduction of the floor cost shall be waived.

- (b) If the State's cumulative fire-related costs for the calendar year reach and exceed the average fiscal year cost during the incident period for a fire approved for assistance under Section 420 of the Act, but before expenditure of the floor cost have been reached the requirement for deduction of the remaining portion of the floor cost shall be waived.

- (2) At 70 percent for each subsequent fire incident determined eligible for Federal assistance during the calendar year, except

- (3) At 100 percent for each incident determined eligible for Federal assistance after the State's cumulative fire related costs for the calendar year amount to twice the average fiscal year fire cost.

- (a) If the State's cumulative fire-related costs for the calendar year have exceeded twice the average fiscal year fire cost prior to the initial determination by the Associate Director to authorize Federal assistance under Section 420 of the Act, the State would be entitled to 100 percent reimbursement from FEMA for all eligible costs of the first incident fire, and of any subsequent fires for which the Associate Director determined to authorize assistance under the Act during the current year.

(b) If the State's cumulative fire-related costs for the calendar year reach and exceed twice the average fiscal year fire cost during the approved incident period for a fire approved for assistance under Section 420, of the Act, the State would be entitled to 100 percent reimbursement from FEMA for all eligible costs incurred during the remaining portion of the incident period.

(4) If the incident period for a fire determined eligible for Federal assistance extends from one calendar year into the next, the original reimbursement level to a State for suppression costs shall remain in effect for that particular fire.

5. The Associate Director will allocate such amounts as he finds necessary for Federal assistance for use on forest or grassland fire threats within the limits of funds available for congressional appropriations for such purposes as authorized by the President.
6. Reimbursement will be made by FEMA directly to a State for Eligible State fire suppression costs. Federal agency billings to the state may be reimbursed directly to the Federal agency by FEMA if the State and Federal agency mutually agree to this. Reimbursement to a State will be based on the submission of project applications and vouchers, supported by a detailed breakdown of eligible costs.
7. In those instances in which assistance under Section 420, of the Act is provided pursuant to existing interstate Forest fire Protection compacts, third party eligible costs will be reimbursed in accordance with paragraph 6, above after a State or Federal audit and a review by the Regional Director to preclude duplication of benefits.
8. The State will establish and maintain an active program under this Agreement of non-discrimination in disaster assistance, as outlined in 44 CFR 205.16 and any other additional regulation that FEMA may publish. This program will encompass all State and local actions pursuant to this Agreement.
9. The State will establish and maintain a program under this Agreement to assure recipients of FEMA disaster assistance comply with the HUD or FEMA Debarment List. This program will encompass all State and local contracts pursuant to this Agreement.
10. A new continuing agreement will be executed if there is a change in Governors or FEMA Regional Directors. Supplemental agreements shall be executed in accordance with 44 CFR 206.391.

Sincerely,

Regional Director

Region

Agreed _____ Date:

ANNEX DDD
APPENDIX 2
EXHIBIT A
TO FEMA-STATE AGREEMENT

The Governor hereby certifies that _____ State Forester, or in his absence,
_____ Assistant State Forester, is the authorized
representative to request assistance and to execute on behalf of the State all necessary documents
and certifications, including supplements to this agreement. Specimen signatures follow:

Site audits and certifications shall be the responsibility of _____ who is the
officer of the State with the field audit staff capability to perform such audits and who shall execute
all such certifications on behalf of the State. Specimen signatures follows:

ANNEX DDD
APPENDIX 3
STATE REQUEST FOR FEDERAL AID
SUPPRESSION OF FOREST AND GRASSLAND FIRES
Section 420, PL 93-288

Date and Time of Request

- A. State
- B. Name of Governor or Authorized Representative making request
- C. Location and telephone number
- D. Basis for making request
 - 1. Existence of high fire danger conditions
 - a. Temperature
 - b. Relative humidity
 - c. Direction and velocity of winds
 - d. Prevailing weather conditions and prediction for next 24 hours
 - 2. Existing Fires Controlled_____Uncontrolled
 - 3. Situation Report (Provide separate situation report for each uncontrolled fire or series of fires in a localized geographical area for which Federal assistance is requested included under D., above).
 - a. Time of Report
 - b. Location of Uncontrolled Fire
 - c. Description
 - d. Estimated Cost to Suppress
 - e. Acres Burning: Forest____Grassland
 - f. Casualties to Date: Killed____Injured

g. Estimated Value of Property Destroyed to Date:

Forest \$_____ Structures \$
Grassland \$_____ Other \$

h. Manpower and Equipment Committed:

(1) State:

(2) Local:

i. Existence of other fires nearby which may result in a conflagration

j. Existence of other fires which limits the commitment of State fire fighting resources

k. Threat to Life

(1) Number of persons endangered

(2) Were preparations made for evacuation? Yes or No

(3) Number of persons evacuated

l. Threat to Private Property

(1) Dwellings: Number _____

(2) Farms and Ranches:

(a) Number of outbuildings

(b) Number of animals

(c) Number of farm equipment units and vehicles

(d) Acres of crop and grazing land

(3) Business and Industry:

(a) Number of business concerns

(b) Number of private utilities

m. Threat to Public Facilities (local, State, Federal)

(1) Buildings (number and value)

DDD-10

(2) Other (specify type and number)

n. Threat to Natural Resources

(1) Timber (Acres, volume)

(2) Watershed (amount) :

(a) Potable water supply

(b) Fishing streams and spawning sites

(c) Irrigation

(d) Flood control

(3) Wildlife (types threatened: birds, fur-bearing animals, big game, etc.)

E. State Forester's Assessment of Situation

F. Type and amount of Federal or other assistance needed (man- power, equipment, funds)

G. Federal agency, if any, contacted (Forest Service or Bureau of Land Management)

H. Governor's Authorized Representative:

Name

Location

Phone No.: Day_____Night

I. In making this request, the governor agrees to abide by provisions contained in Federal-State Agreement between FEMA and the State for fire suppression under Section 471, PL 93-288.

Signature*_____Date

Title

For FEMA use

Initial request received by

Date and time

*Must be signed by the Governor personally or by his authorized representative, whom he has previously authorized to sign this request in the FEMA-State Agreement.